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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,838

05/31/2005

Declan Patrick Kelly

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07/17/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,838	Applicant(s) KELLY ET AL.	
	Examiner Gims S. Philippe	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 9-12 is/are allowed.
- 6) ☒ Claim(s) 3-8 and 13-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/06/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This is a first office action in response to application no. 10/536,838 filed on May 31, 2005 in which claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 5, 7, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Keesen et al. (US Patent no. 7006756).

Art Unit: 2621

Regarding claims 5, 7, 13 and 15, Kessen discloses an apparatus and method for recording and editing a data stream comprising the steps of receiving the data stream (See Kessen col. 5, lines 18-20), parsing the data stream to find timestamps for each frame of the data stream, determining if the timestamp is correct (See Kessen col. 5, lines 5-11), correcting any timestamp which are incorrect (See Kessen col. 1, lines 60-67 and col. 2, line 1). The applicant should note that the parsing step will reveal the CPI in the data stream (See Kessen col. 4, lines 30-34). The applicant should also note that the SI as disclosed in col. 4, lines 26-42 provides the CPI (which is Characteristic Point Information).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessen et al. (US Patent no. 7006756) in view of Iwamura (US Patent no. 5838876).

Regarding claims 6, 8, 14 and 16, most of the limitations of these claims have been noted in the above rejection of claims 5, 7, 13 and 15.

It is noted that Keesen is silent about receiving a frame number from a user interface for an edit point while calculating and searching an expected timestamp as specified in the claims.

However, Iwamura provides an apparatus and method for recording and editing a data stream including the steps of receiving a frame number from a user interface for an edit point while calculating and searching an expected timestamp (See Iwamura col. 8, lines 1-18 and lines 41-48).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Keesen's editing method by incorporating Iwamura's teachings of receiving a frame number from a user interface for an edit point while calculating and searching an expected timestamp. The motivation for performing such a modification in Keesen is to display exactly the same track from the same pictures that a user selected during original recording/editing as taught by Iwamura (See Iwamura col. 8, lines 56-65).

5. Claims 1-4 and 9-12 are allowed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kelly et al. (US Patent no. 6952521) teaches method and apparatus for editing digital video recording, and recordings made by such methods.

Art Unit: 2621

Gandhi et al. (US Patent no. 6836514) teaches method for the detection and recovery of error in the frame overhead of digital video decoding systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2621

Application/Control Number: 10/536,838

Page 6

Art Unit: 2621

/G. S. P./

/Gims S Philippe/

Primary Examiner, Art Unit 2621